



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

D.T.E. 05-82

June 23, 2006

Petition of Dig Safe System, Inc. for Implementation of 811 as the Abbreviated Dialing Code for Providing Notification of Excavation Activities to Underground Facility Operators Within Massachusetts.

HEARING OFFICER RULING ON DIG SAFE'S PRAYER FOR RELIEF

I. BACKGROUND

On April 28, 2006, the Department of Telecommunications and Energy ("Department") issued a Procedural Notice ("Notice"). The Notice required telecommunications carriers to contact Dig Safe System, Inc. to coordinate implementation of the abbreviated dialing code 811. The Notice also required Dig Safe to report to the Department as to the status of discussions with telecommunications carriers regarding 811 implementation efforts. In accordance with the Notice, Dig Safe submitted its Carrier Report ("Report") to the Department on June 9, 2006.

II. DIG SAFE'S PRAYER FOR RELIEF

In its Report, Dig Safe indicates that 40 carriers contacted Dig Safe and that Verizon New England, Inc. d/b/a Verizon Massachusetts ("Verizon") is the only carrier to raise any issue with respect to 811 implementation (Report at 3). Specifically, Dig Safe states that Verizon raises the issue of recovery of costs associated with 811 implementation (*id.*). Dig Safe indicates that it has been unable to resolve this issue with Verizon (*id.* at 3-5). Therefore, in its prayer for relief, Dig Safe requests additional time to address with Verizon cost recovery associated with implementation of the 811 abbreviated dialing code (*id.* at 5).

Additionally, Dig Safe requests that the Department preclude any carriers that have, to date, failed to raise any issues related to implementation of the 811 dialing code, from raising any issues or objections in connection with this proceeding unless the issue was unforeseeable as of June 2, 2006 (Report at 5). In support of its request, Dig Safe argues that the telecommunications carriers that would be affected by implementation of the 811 dialing code have had notice and an opportunity to raise any issue or concern (*id.*).

III. ANALYSIS

Granting Dig Safe's request for additional time for Dig Safe and Verizon to address the issue of cost recovery will not prejudice the interests of any of the parties to this proceeding. Moreover, if Dig Safe and Verizon are able to resolve the issue of cost recovery, Department action may be obviated and, thus, granting the requested additional time is administratively efficient. Accordingly, Dig Safe's request for additional time is granted.

Dig Safe did not request a specific period of time to address the issue of cost recovery with Verizon, however, the hearing officer finds that an additional month would not unduly delay the orderly conduct of this proceeding. Accordingly, Dig Safe and Verizon shall jointly file with the Department a report as to the status of their discussions no later than close of business on **Monday, July 31, 2006**. In this report, Dig Safe and Verizon shall stipulate as to all issues, if any, which require Department resolution. If necessary, a briefing schedule shall be established thereafter.

Dig Safe's second request to preclude carriers from raising any further issues regarding implementation of the 811 dialing code is rejected. The purpose of this proceeding is to address the technical and operational issues associated with implementation of the 811 dialing code. Accordingly, it would be inappropriate to foreclose carriers from raising such issues before the Department has issued a final order in this proceeding. Nonetheless, a carrier's failure to raise an issue regarding 811 implementation in a timely manner could prejudice that carrier's interest in this proceeding.

IV. RULING

Accordingly, Dig Safe's request for additional time to address cost recovery issues with Verizon is hereby GRANTED. Dig Safe and Verizon shall, by the close of business on **Monday, July 31, 2006**, jointly file with the Department a report as to the status of their discussions and shall stipulate as to all issues, if any, which require Department resolution.

Additionally, Dig's Safe request to preclude telecommunications carriers from raising any further issues regarding the implementation of the 811 abbreviated dialing code that were not foreseeable as of June 2, 2006 is hereby REJECTED.

Under the provisions of 220 C.M.R. § 106(6)(d)3, any aggrieved party may appeal this Ruling to the Commission by filing a written appeal with supporting documentation no later than close of business on July 10, 2006. A copy of this Ruling must accompany any appeal. A response to any appeal must be filed no later than close of business on July 17, 2006.

/s/
Tina W. Chin, Hearing Officer

cc: Service List (*via e-mail and regular mail*)